In the High Court of Judicature at Madras

Dated: 04.07.2007

Coram

The Honourable Mr.JUSTICE P.K.MISRA
and
The Honourable Mrs.JUSTICE R.BANUMATHI

Habeas Corpus Petition No.831 of 2007

Santhana Seluvai .... Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai, Chennai - 600 008.
2. The Inspector of Police,
V-5, Police Station,
Tirumangalam Police Station,
Chennai - 600 101. .... Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of writ of Habeas Corpus directing the respondents herein to trace out the girl, by name, Kulandai Therus, aged about 23 years, who is the petitioner's adopted daughter and to bring her before this Hon'ble Court in person and set her at liberty.

For Petitioner : Mr.P.Thamilselvan
For Respondents : Mr.Babu Muthu Meeran,
Addl. Public Prosecutor for R.1 & R.2
Ms.Manjula Chavan for Detenue.

O R D E R

(Order of the Court was made by P.K.MISRA,J)

The paternal uncle has filed this Habeas Corpus Petition to direct the Respondents to produce the detenue, viz., Kulandai Therus, before this Court and set her at liberty.

2. Heard Mr.P.Thamilselvan, the learned counsel for the Petitioner, Mr.M. Babu Muthu Meeran, the Addl. Public Prosecutor for the Respondents and Ms.Manjula Chavan, the learned counsel for the detenue. The Petitioner and the detenue are present in Court.

3. The detenue was given in marriage to one Jeshu Anandhu on 28.05.2007 and she went away from her husband's place on the very next day. The detenue is admittedly a major, aged about 26 years. The detenue has stated that the marriage has taken place against her wishes and

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therefore, she had voluntarily left the place of her husband on 29.06.2007 and she has also filed a Petition for divorce. The detenue has further stated that she is staying with her friend, by name, Priya, in Mahabalipuram. She has further stated that she has not taken any gold ornaments, which was given to her at the time of marriage.

4.Since, the detenue has gone voluntarily, it cannot be said that there is an illegal detention by anybody. The detenue, being major, is free to stay where ever she wants. This Habeas Corpus Petition is accordingly dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To
1. The Commissioner of Police,
Greater Chennai, Chennai - 600 008.

2. The Inspector of Police, V-5, Police Station,
Tirumangalam Police Station,
Chennai - 600 101.

3. The Public Prosecutor, High Court, Chennai.

+ 1 CC To Mr. P.Thamilselvan,Advocate SR NO.39914

+ 1 CC To Ms.Manjula Chauan, Advocate SR NO.40268

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